REMARKS

Claims 1-27, 31-36, 38-60, and 62-81 are pending in the present application. Claims 1-28, 30-36, 38-60, and 62-81 were presented for examination. Claims 28 and 30 have been cancelled by amendment.

In the office action mailed May 10, 2006 (the "Office Action"), the Examiner rejected claims 1-27, 31-36, 38-60, and 62-81 under 35 U.S.C. 103(a) as being unpatentable over MDSI Mobile Data Solutions reference (the "MDSI reference") in view of U.S. Patent No. 5,467,268 to Sisley *et al.* (the "Sisley patent"). Claims 28 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over the MDSI reference in view of the Sisley patent, and in further view of U.S. Patent No. 6,578,005 to Lesaint *et al.* (the "Lesaint patent").

As previously mentioned, claims 28 and 30 have been cancelled, and consequently, the Examiner's rejection of these claims under 35 U.S.C. 103(a) is now moot.

With respect to the Examiner's rejection of claims 1-27, 31-36, 38-60, and 62-81 under 35 U.S.C. 103(a) as being unpatentable over the MDSI reference in view of the Sisley patent, claims 1, 11, 21, 34, and 58 have been amended to more clearly claim embodiments of the present invention. As amended, claims 1, 11, 34, and 58 recite methods for scheduling orders to mobile service representatives that includes aggregating reservations of the shift having enabled aggregation indicators and in accordance with an aggregation parameter set defining information of reservations to be compared during aggregation. Claim 21 recites a scheduling engine that includes an aggregator component operable to aggregate reservations of the shift having enabled aggregation indicators and in accordance with an aggregation parameter set defining information of reservations to be compared during aggregation. As described in the present invention, there are benefits to aggregating orders in order to avoid customer dissatisfaction.

The combined teachings of the MDSI reference, the Sisley patent, and the Lesaint patent, do not teach or suggest the combination of limitations recited by amended claims 1, 11, 21, 34, and 58.

The MDSI references, as discussed in previously submitted responses, fail to disclose analyzing shifts of mobile service representatives to identify shifts that are suitable for the reservations and sorting the identified shifts according to an objective criteria. As recited in

the claims, the order is then booked to one of the identified shifts starting with the best shift and in descending order to the worst shift based on the objective criteria. The description provided by the MDSI reference regarding automatic assignment of orders fails to disclose the manner in which the field personnel to whom the order is automatically assigned is determined. Additionally, the MDSI reference does not suggest that the process of automatically assigning the order to a field personnel is accomplished by performing the limitations recited generally in claims 1, 11, 21, 34, and 58.

The Sisley patent is directed to a system and method for assigning and scheduling customer service calls to technicians. The assigning and scheduling aspects of the system and method are described two separate processes. A complete assignment of a service call involves both an association of the call with a technician, as determined by an assigner module, and a scheduling of the call at a particular time, as determined by a scheduler module. As described in the Sisley patent, an assigner module searches for potential assignments of service calls among the service technicians. The assigner module further evaluates a portion of an objective function relating to the desirability of particular associations of calls and technicians. A scheduler module is then invoked by the assigner module to search for the best schedule among a plurality of potential schedules of the calls assigned to a particular technician, and to evaluate a portion of the objective function relating to time. Each of the possible schedules searched by scheduler module represents a time-ordered sequence of the calls assigned to a technician. The calls are scheduled to particular technicians having the "best schedule," as measured by a schedule stress value.

The Examiner has cited the Lesaint patent as teaching aggregating orders. *See* the Office Action at page 16. The Examiner further argues that "[i]t is old and well known in the service industry that some tasks/orders would require more than one worker to complete the order." *See id.* The material cited by the Examiner in the Lesaint patent describes passing tasks to a pre-scheduler rather than directly to an optimizing system. These tasks include tasks requiring more than one person at a single location, tasks requiring more than one person, but at different locations, tasks that must all be allocated to the same technician in a predetermined order, and tasks that the user has requested to be allocated to a specific technician. Additional material cited in the Lesaint patent describes scheduling a task that requires more than one

technician by aligning the start times of the task so that work by the multiple technicians will begin at the same time.

As recited in claims 1, 11, 21, 34, and 58, reservations of a shift that have an enabled aggregation indicator are aggregated in accordance with an aggregation parameter set defining information of reservations to be compared during aggregation. In contrast to the aggregation of reservations in a shift as recited by the present claims, the "aggregation" described in the Lesaint patent is directed to tasks that require multiple technicians and scheduling the tasks accordingly. As suggested by the Examiner's characterization of common knowledge in the art, this teaching is consistent with the Examiner's understanding. As described in the present application, orders can be aggregated to reduce potential customer dissatisfaction. The reservations can be aggregated based on information of the reservations as defined by an aggregation parameter set, for example, in accordance with reservations that are for the same apartment building or in close proximity. The material characterized by the Examiner as teaching or suggesting aggregation of reservations is not aggregating orders of a shift based on reservation information, such as proximity, but is directed to scheduling orders needing more than one technician to begin work at the same time, which is different than the aggregation recited in the claims. With the "aggregation" of the Lesaint patent, there can still be customer dissatisfaction based on having multiple trucks in a proximate location and no one working for the dissatisfied customer. As long as the multiple technicians for tasks requiring more than one technician are scheduled to begin the task at the same time, the scheduling method described in the Lesaint patent is completed. There can nevertheless still be a customer proximate the location of the task who sees multiple trucks and technicians and becomes dissatisfied if the trucks drive away without providing any service, even if the particular task of the dissatisfied customer is scheduled for later in the day.

For the foregoing reasons, claims 1, 11, 21, 34, and 58 are patentable over the MDSI reference, the Sisley patent, and the Lesaint patent, either individually or in combination. Claims 2-10, which depend on claim 1, claims 12-20, which depend on claim 11, claims 22-27 and 31-33, which depend on claim 21, claims 35, 36, and 38-57, which depend on claim 34, and claims 59, 60, and 62-81, which depend on claim 58, are similarly patentable based on their

dependency on a respective allowable base claim. Therefore, the Examiner's rejection of claims 1-27, 31-36, 38-60, and 62-81 under 35 U.S.C. 103(a) should be withdrawn.

All of the claims pending in the present application are in condition for allowance. Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

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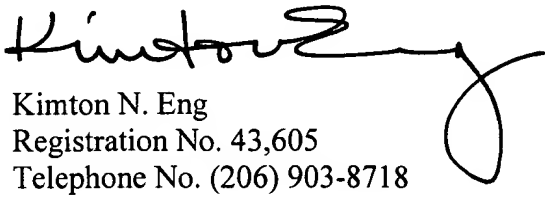

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